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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/752,716

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Jun Iijima

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08/26/2004

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EXAMINER

SHELEHEDA, JAMES R

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,716

Applicant(s)

IIJIMA ET AL.

Examiner

James Sheleheda

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Eldering et al. (Eldering) (6,457,010).

As to claim 1, Eldering discloses a personal taste profile information gathering apparatus (Fig. 2) for gathering information related to the personal tastes of a viewer (column 4, lines 10-18) viewing a specific medium comprising:

a means for operation (remote control) that is operated by the viewer through a single action (button presses; column 7, lines 24-31);

a means for personal taste profile information recording (set top box; column 6, lines 66-67 and column 7, lines 1-5) that records information related to the medium being viewed by the viewer (Fig. 6; column 6, lines 30-39 and column 9, lines 25-33) when the viewer operates said means for operation (column 5, lines 15-25).

As to claim 2, Eldering discloses wherein said means for personal taste profile information recording is provided with a scene-specifying data recording unit (memory or storage disk; column 6, lines 30-34) for recording information used to specify a scene being viewed (channel and program being viewed; Fig. 6; column 6, lines 34-39) when said means for operation is operated (Fig. 6; column 9, lines 25-33).

As to claims 9 and 11, Eldering discloses wherein data (subscriber selection data; column 9, lines 29-39) for **determining** the personal tastes of the viewer (data used to create a interest profile; column 6, lines 57-65) are prepared and recorded (column 6, lines 29-39) based upon operations performed on a media device (channel and volume changes on a television; column 6, lines 34-39).

As to claims 10 and 12, Eldering discloses wherein said means for operation can be permanently installed at a specific location (buttons attached to a system front panel; Fig. 2; column 7, lines 24-31).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-8 and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering as applied to claims 1 and 2 above, and further in view of Moe (5,345,430).

As to claims 3 and 4, while Eldering discloses recording program content (column 5, lines 14-24) when said means for operation is operated (user record command; column 5, lines 14-24), he fails to specifically disclose wherein said means for personal taste profile information recording unit is provided with a content recording unit for recording the contents **being viewed**.

In an analogous art, Moe discloses a recording system (Fig. 1; column 3, lines 43-54) which will record video as it is received (column 3, lines 55-66) and viewed by a user (column 4, lines 44-51) for the typical benefit of allowing a user the ability to make the decision to record video long term after they have viewed it (column 1, lines 33-50).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Eldering's system to include wherein said means for personal taste profile information recording unit is provided with a content recording unit for recording the contents being viewed, as taught by Moe, for the typical benefit of allowing a viewer to have a recorded copy of a program they enjoyed viewing.

As to claims 5 and 6, Eldering and Moe disclose wherein said content recording unit is provided with a first means for recording (see Moe at Fig. 1; short term memory, 12) that continuously records the viewing contents (column 3, lines 55-66) concurrently while the viewer views the medium (see Moe at column 4, lines 44-51) and a second

means for recording (see Moe at Fig. 1; long term memory, 13) that extracts and records the viewing contents (wherein video is transferred from short term memory to long term memory; see Moe at column 4, lines 47-59) corresponding to a time point at which said means for operation is operated (corresponding to a user operation of control 14; see Moe at column 4, lines 47-51) from said first means for recording (wherein video is transferred from short term memory to long term memory; see Moe at column 4, lines 47-59).

As to claims 7 and 8, Eldering and Moe disclose wherein said second means for recording starts recording of the viewing contents (wherein video is transferred from short term memory to long term memory; see Moe at column 4, lines 47-59) at a time point preceding the time point at which said means for operation is operated (wherein the video corresponds to several minutes before the user activated the switch; column 4, lines 44-59) by a specific time length (the predetermined length of the stored short term memory; see Moe at column 4, lines 20-27).

As to claims 13, 15, 17, 19, 21 and 23, Eldering and Moe disclose wherein data (subscriber selection data; see Eldering at column 9, lines 29-39) for **determining** the personal tastes of the viewer (data used to create a interest profile; see Eldering at column 6, lines 57-65) are prepared and recorded (see Eldering at column 6, lines 29-39) based upon operations performed on a media device (channel and volume changes on a television; see Eldering at column 6, lines 34-39 and column 8, lines 8-29).

As to claims 14, 16, 18, 20, 22 and 24, Eldering and Moe disclose wherein said means for operation can be permanently installed at a specific location (buttons attached to a system front panel; Fig. 2; see Eldering at column 7, lines 24-31).

Conclusion

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
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JS


JOHN MILLER
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